

Enclosure
CLEAN AIR ACT MOBILE SOURCE EXPEDITED SETTLEMENT AGREEMENT


DOCKET NO. CAA-17-8328

Respondent:

Ryan's Diesel Service LLC
309 Travis Lane
Waukesha, WI 53189

1. The parties enter into this Clean Air Act Mobile Source Expedited Settlement Agreement (Agreement) in order to settle the civil violations discovered as a result of the inspection specified in Table 1, attached, incorporated into this Agreement by reference. The civil violations that are the subject of this Agreement are described in Table 2, attached, incorporated into the Agreement by reference, regarding the vehicles/engines specified therein.
2. Respondent admits to being subject to the Clean Air Act (CAA) and its associated regulations, and that the United States Environmental Protection Agency (EPA) has jurisdiction over the Respondent and the Respondent's conduct described in Table 2. Respondent does not contest the findings detailed therein, and waives any objections Respondent may have to the EPA's jurisdiction.
3. Respondent consents to the payment of a penalty in the amount of \$19,950, further described in Table 3, attached, incorporated into this Agreement by reference. Respondent agrees to follow the instructions in "CAA Mobile Source Expedited Settlement Agreement Instructions," attached, incorporated into this Agreement by reference. Respondent certifies that the required remediation, detailed in Table 3, has been carried out.
4. By its first signature below, the EPA approves the findings resulting from the inspection and the alleged violations set forth in Tables 1 and 2. Upon signing and returning this Agreement to the EPA, Respondent consents to the terms of this Agreement without further notice. Respondent acknowledges this Agreement is binding on the parties signing below, and becomes effective on the date of the EPA Air Enforcement Division Director's ratifying signature.

APPROVED BY EPA:

 Evan Belser
for Phillip A. Brooks, Director, Air Enforcement Division

Date: July 5, 2017

APPROVED BY RESPONDENT:


Name (print): Ryan Bender

Title (print): Owner

Signature: 

Date: July 27 2017

RATIFIED BY EPA:

 Evan Belser
for Phillip A. Brooks, Director, Air Enforcement Division

Date: Aug 14, 2017

Table 1 - Inspection Information

Entry/Inspection Date(s):		Docket Number:	
January 25, 2016		C A A - 1 7 - 8 3 2 8	
Inspection Location:		Entry/Inspection Number(s)	
Ryan's Diesel Service LLC		2 0 1 6 - 0 1 - 2 5 - 1 2 0 0	
City:		Inspector(s) Name(s):	
Waukesha		Tony Miller Reza Bagherian	
State:	Zip Code:	EPA Approving Official:	
WI	53189	Phillip A. Brooks	
Respondent:		EPA Enforcement Contact(s):	
Ryan's Diesel Service LLC		Ed Kulschinsky, Attorney-Advisor, (202) 564-4133 Tony Miller, Chemical Engineer, (303) 312-7161	

Table 2 - Description of Violations and Vehicles/Engines

On January 25, 2016, authorized inspectors obtained evidence that Ryan's Diesel Service LLC (Ryan's) had sold and installed products which render inoperative emission control systems on EPA-certified motor vehicles and motor vehicle engines. It is a violation of Section 203(a)(3) of the CAA, 42 U.S.C. § 7522(a)(3) to sell and install a defeat device, and to tamper with a EPA-certified motor vehicle or motor vehicle engine. From December 23, 2014, until January 14, 2016, the EPA has determined that twenty (20) vehicles were altered in violation of Title II of the Clean Air Act (CAA) by Ryan's. The EPA has determined Ryan's committed twenty-three (23) violations of CAA § 203(a)(3), 42 U.S.C. § 7522(a)(3). These violations include selling and installing defeat devices.

Table 2 (cont): Description of Invoices, Engines, and Violations

Count	Date	Sale No.	Violations of CAA § 203(a)(3)
1	12/23/2014	1251	2
2	1/15/2015	1254	1
3	2/24/2015	1264	1
4	4/21/2015	1289	2
5	4/29/2015	1297	2
6	5/4/2015	1301	1
7	5/5/2015	1302	1
8	5/7/2015	1304	1
9	5/26/2015	1325	1
10	6/12/2015	1333	1
11	6/25/2015	1347	1
12	8/3/2015	1370	1
13	8/3/2015	1371	1
14	8/25/2015	1387	1
15	8/27/2015	1389	1
16	9/30/2015	1411	1
17	12/1/2015	1449	1
18	12/10/2015	1450	1
19	12/23/2015	1459	1
20	1/14/2016	1468	1

Table 3 - Penalty and Required Remediation

Penalty	\$19,950
Required Remediation	In addition to paying the monetary penalty, Ryan's must cease and refrain from purchasing, selling, and installing, any device that has a principal effect of defeating, bypassing, or otherwise rendering inoperative an emission component of any engine regulated by the EPA. Also, Ryan's must cease and refrain from tampering with emission control systems on EPA-certified motor vehicles and motor vehicle engines.